GENERAL ASSEMBLY
COMMONWEALTH OF KENTUCKY

2016 REGULAR SESSION

HOUSE BILL NO. 204

MONDAY, FEBRUARY 1, 2016

The following bill was reported to the Senate from the House and ordered to be printed.

RECEIVED AND FILED
DATE March 18, 2016
1:54pm
ALISON LUNDERGAN GRIMES
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY K. Adler

1 AN ACT relating to certification of law enforcement personnel and declaring an
2 emergency.
3 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***
4 ➔Section 1. KRS 15.382 is amended to read as follows:
5 A person certified after December 1, 1998, under KRS 15.380 to 15.404 shall, at the time
6 of becoming certified, meet the following minimum qualifications:
7 (1) Be a citizen of the United States;
8 (2) Be at least twenty-one (21) years of age;
9 (3) ***(a)*** Be a high school graduate***, regardless of whether the school is accredited or***
10 ***certified by a governing body, provided that the education received met the***
11 ***attendance and curriculum standards of Kentucky law at the time of***
12 ***graduation, as determined by the Kentucky Department of Education;***~~[or]~~
13 ***(b)*** Have successfully completed a General Education Development (G.E.D.)
14 examination;***or***
15 ***(c) Have received a high school diploma through participation in the external***
16 ***diploma program;***
17 (4) Possess a valid license to operate a motor vehicle;
18 (5) Be fingerprinted for a criminal background check;
19 (6) Not have been convicted of any felony;
20 (7) Not be prohibited by federal or state law from possessing a firearm;
21 (8) Have received and read the Kentucky Law Enforcement Officers Code of Ethics as
22 established by the council;
23 (9) Have not received a dishonorable discharge, bad conduct discharge, or general
24 discharge under other than honorable conditions, if having served in any branch of
25 the Armed Forces of the United States;
26 (10) Have passed a medical examination as defined by the council by administrative
27 regulation to determine if he can perform peace officer duties as determined by a

1 validated job task analysis. However, if the employing agency has its own validated
2 job task analysis, the person shall pass the medical examination, appropriate to the
3 agency's job task analysis, of the employing agency. All agencies shall certify
4 passing medical examination results to the council, which shall accept them as
5 complying with KRS 15.315 to 15.510;
6 (11) Have passed a drug screening test administered or approved by the council by
7 administrative regulation. A person shall be deemed to have passed a drug screening
8 test if the results of the test are negative for the use of an illegal controlled
9 substance or prescription drug abuse. Any agency that administers its own test that
10 meets or exceeds this standard shall certify passing test results to the council, which
11 shall accept them as complying with KRS 15.315 to 15.510;
12 (12) Have undergone a background investigation established or approved by the council
13 by administrative regulation to determine suitability for the position of a peace
14 officer. If the employing agency has established its own background investigation
15 that meets or exceeds the standards of the council, as set forth by administrative
16 regulation, the agency shall conduct the background investigation and shall certify
17 background investigation results to the council, which shall accept them as
18 complying with KRS 15.315 to 15.510;
19 (13) Have been interviewed by the employing agency;
20 (14) Not have had certification as a peace officer permanently revoked in another state;
21 (15) Have taken a psychological suitability screening administered or approved by the
22 council by administrative regulation to determine the person's suitability to perform
23 peace officer duties as determined by a council validated job task analysis.
24 However, if the employing agency has its own validated job task analysis, the
25 person shall take that agency's psychological examination, appropriate to the
26 agency's job task analysis. All agencies shall certify psychological examination
27 results to the council, which shall accept them as complying with KRS 15.315 to

1 15.510;

2 (16) Have passed a physical agility test administered or approved by the council by
3 administrative regulation to determine his suitability to perform peace officer duties
4 as determined by a council validated job task analysis. However, if the employing
5 agency has its own validated job task analysis, the person shall take the physical
6 agility examination of the employing agency. All agencies shall certify physical
7 agility examination results to the council, which shall accept them as demonstrating
8 compliance with KRS 15.315 to 15.510; and

9 (17) Have taken a polygraph examination administered or approved by the council by
10 administrative regulation to determine his suitability to perform peace officer duties.
11 Any agency that administers its own polygraph examination as approved by the
12 council shall certify the results that indicate whether a person is suitable for
13 employment as a peace officer to the council, which shall accept them as complying
14 with KRS 15.315 to 15.510.

15 ➔Section 2. KRS 15.3971 is amended to read as follows:

16 (1) A person certified as a court security officer after June 26, 2007, under KRS 15.380
17 to 15.404 shall, at the time of becoming certified, meet the following minimum
18 qualifications:

19 (a) Be a citizen of the United States;

20 (b) Be at least twenty-one (21) years of age;

21 (c) ***1.*** Be a high school graduate***, regardless of whether the school is***
22 ***accredited or certified by a governing body, provided that the***
23 ***education received met the attendance and curriculum standards of***
24 ***Kentucky law at the time of graduation, as determined by the***
25 ***Kentucky Department of Education;***[~~ or]

26 ***2.*** Have successfully completed a General Educational Development
27 (GED) examination;***or***

1 ***3. Have received a high school diploma through participation in the***
2 ***external diploma program;***
3 (d) Possess a valid license to operate a motor vehicle;
4 (e) Be fingerprinted for a criminal background check;
5 (f) Not have been convicted of any felony;
6 (g) Not be prohibited by federal or state law from possessing a firearm;
7 (h) Have received and read the Kentucky Law Enforcement Officers Code of
8 Ethics, as established by the council;
9 (i) Have not received a dishonorable discharge, a bad conduct discharge, or
10 general discharge under other than honorable conditions if he or she served in
11 any branch of the Armed Forces of the United States;
12 (j) Have passed a drug screening test administered or approved by the council by
13 administrative regulation. A person shall be deemed to have passed a drug
14 screening test if the results of the test are negative for the use of an illegal
15 controlled substance or prescription drug abuse. Any agency that administers
16 its own test that meets or exceeds this standard shall certify passing test results
17 to the council, which shall accept them as complying with KRS 15.380 to
18 15.404;
19 (k) Have undergone a background investigation established or approved by the
20 council by administrative regulation to determine suitability for the position of
21 a court security officer. If the employing agency has established its own
22 background investigation that meets or exceeds the standards of the council,
23 as set forth by administrative regulation, the agency shall conduct the
24 background investigation and shall certify background investigation results to
25 the council, which shall accept them as complying with KRS 15.380 to
26 15.404;
27 (l) Have been interviewed by the employing agency;

1 (m) Have taken a psychological suitability screening administered or approved by
2 the council by administrative regulation to determine the person's suitability to
3 perform court security officer duties; and
4 (n) Have taken a polygraph examination administered or approved by the council
5 by administrative regulation to determine his or her suitability to perform
6 court security officer duties. Any agency that administers its own polygraph
7 examination as approved by the council shall certify the results that indicate
8 whether a person is suitable for employment as a court security officer to the
9 council, which shall accept them as complying with KRS 15.380 to 15.404.
10 (2) A court security officer employed on or before June 26, 2007, shall comply with the
11 requirements of subsection (1) of this section within six (6) months of June 26,
12 2007.
13 (3) A peace officer who has previously attended law enforcement basic training and
14 met the certification requirements of KRS 15.380 and 15.382 shall not be required
15 to meet the requirements of this section to be appointed a court security officer, but
16 shall meet the requirements of KRS 15.386(3).
17 ➔Section 3. KRS 15.540 is amended to read as follows:
18 (1) An agency hiring a telecommunicator after July 15, 2006, shall certify to the
19 Department of Criminal Justice Training before admission to the telecommunicator
20 training program that the telecommunicator:
21 (a) Is a citizen of the United States and has reached the age of majority;
22 (b) ***1.*** Is a high school graduate***, regardless of whether the school is accredited***
23 ***or certified by a governing body, provided that the education received***
24 ***met the attendance and curriculum standards of Kentucky law at the***
25 ***time of graduation, as determined by the Kentucky Department of***
26 ***Education;***[~~ or~~]
27 ***2.*** Has received a general equivalency diploma (GED);

1 ***or***

2 ***3. Has received a high school diploma through participation in the***

3 ***external diploma program;***

4 (c) Has not been convicted of a felony or other crimes involving moral turpitude

5 as determined by submission of each applicant's fingerprints to the

6 information systems section of the Department of Kentucky State Police and

7 to the Federal Bureau of Investigation identification division, and by such

8 other investigations as required by the hiring agency;

9 (d) Has taken a psychological suitability screening administered or approved by

10 the Kentucky Law Enforcement Council to determine his or her suitability to

11 perform the duties of a telecommunicator. Any agency that administers its

12 own suitability screening shall certify the results to the department;

13 (e) Has taken a polygraph examination administered or approved by the Kentucky

14 Law Enforcement Council to determine his or her suitability to perform the

15 duties of a telecommunicator. Any agency that administers its own polygraph

16 examination shall certify the results to the department; and

17 (f) Has passed a drug screening administered or approved by the Kentucky Law

18 Enforcement Council. A person shall be deemed to have passed a drug

19 screening if the results are negative for the use of an illegal controlled

20 substance or prescription drug abuse. Any agency that administers its own

21 screening shall certify passing results to the department.

22 (2) Provisions of the Open Records Act, KRS 61.870 to 61.884, to the contrary

23 notwithstanding, the applicant's home address, telephone number, date of birth,

24 Social Security number, and results of any background investigation, psychological

25 suitability screening, and polygraph examination conducted under this section shall

26 not be subject to disclosure.

27 ➔Section 4. KRS 95.951 is amended to read as follows:

1 As of July 14, 1992, no person shall be originally appointed or employed as a police
2 officer or an auxiliary police officer by a city, urban-county, or charter county government
3 in the Commonwealth unless he:
4 (1) Is at least twenty-one (21) years of age; and
5 (2) ***(a)*** Is a high school graduate, ***regardless of whether the school is accredited or***
6 ***certified by a governing body, provided that the education received met the***
7 ***attendance and curriculum standards of Kentucky law at the time of***
8 ***graduation, as determined by the Kentucky Department of Education;***
9 ***(b)*** Has received a general equivalency diploma (G.E.D.);[,] or
10 ***(c)*** Has received a high school diploma through participation in the external
11 diploma program.
12 ➔Section 5. Whereas public safety depends on the effectiveness of law
13 enforcement, an emergency is declared to exist, and this Act takes effect upon its passage
14 and approval by the Governor or upon its otherwise becoming law.

Speaker-House of Representatives

President of Senate

Attest: Chief Clerk of House of Representatives

Approved Governor

Date 18 MARCH 2016